

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

## ASSEMBLY BILL

No. 491

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Introduced by Assembly Member Garrick

February 24, 2009

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~~An act to add Section 18305 of the Elections Code, relating to elections. An act to add Section 594.9 to the Penal Code, relating to vandalism.~~

### LEGISLATIVE COUNSEL'S DIGEST

AB 491, as amended, Garrick. ~~Elections: campaign signs: vandalism. Vandalism: political signs.~~

Existing law ~~prohibits the vandalism of prescribed polling place materials at an election. Violation of this prohibition is punishable as a misdemeanor~~ *establishes various offenses for vandalizing property, including for the vandalism of polling place materials at an election.*

This bill would prohibit a person from knowingly destroying, marking, tearing down, or otherwise defacing a sign supporting or opposing a candidate for elective office or a ballot measure ~~or ballot measures~~ without authorization from the ~~owner~~ *campaign responsible for the production or creation of the sign*. The bill would make violation of this ~~prohibition~~ *provision* an infraction punishable by a fine not to exceed \$1,000. The bill would require any moneys collected for a violation of this provision to be disbursed to the ~~owner of the sign~~ *campaign responsible for the production or creation of the sign*, in an amount not to exceed 50% of the fine and, when added to the amount of any prior fines paid during the calendar year to the ~~owner~~ *campaign* pursuant to this provision, not to exceed the amount of any applicable campaign contribution limit for the year. The balance of the fine

pursuant to this provision would be payable to the local ~~public safety~~ law enforcement agency in the city or county in which the offense was committed.

Because this bill would create a new crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1     *SECTION 1. Section 594.9 is added to the Penal Code, to read:*  
2     *594.9. (a) A person who knowingly destroys, marks, tears*  
3     *down, or otherwise defaces a sign supporting or opposing a*  
4     *candidate for elective office or a ballot measure without*  
5     *authorization from the campaign responsible for the production*  
6     *or creation of the sign, in addition to any other penalty provided*  
7     *by law, is guilty of an infraction punishable by a fine not to exceed*  
8     *one thousand dollars (\$1,000).*  
9     *(b) Notwithstanding any other provision of law, any moneys*  
10    *collected for a violation of subdivision (a) shall be disbursed as*  
11    *follows:*  
12    *(1) An amount payable to the campaign responsible for the*  
13    *production or creation of the sign, not to exceed 50 percent of the*  
14    *fine and, when added to the amount of any prior fines paid during*  
15    *the calendar year to the campaign pursuant to this section, not to*  
16    *exceed the amount of any applicable campaign contribution limit*  
17    *for the calendar year.*  
18    *(2) The balance of the fine shall be payable to the local law*  
19    *enforcement agency in the city or county in which the offense was*  
20    *committed.*  
21    *SEC. 2. No reimbursement is required by this act pursuant to*  
22    *Section 6 of Article XIII B of the California Constitution because*  
23    *the only costs that may be incurred by a local agency or school*  
24    *district will be incurred because this act creates a new crime or*  
25    *infraction, eliminates a crime or infraction, or changes the penalty*

1 *for a crime or infraction, within the meaning of Section 17556 of*  
2 *the Government Code, or changes the definition of a crime within*  
3 *the meaning of Section 6 of Article XIII B of the California*  
4 *Constitution.*

5 SECTION 1. Section 18305 is added to the Elections Code, to  
6 read:

7 18305. (a) ~~A person who knowingly destroys, marks, tears~~  
8 ~~down, or otherwise defaces a sign supporting or opposing a~~  
9 ~~candidate for elective office or a ballot measure without~~  
10 ~~authorization from the owner of the sign is guilty of an infraction~~  
11 ~~punishable by a fine not to exceed one thousand dollars (\$1,000).~~

12 (b) ~~Notwithstanding any other provision of law, any moneys~~  
13 ~~collected for a violation of subdivision (a) shall be disbursed as~~  
14 ~~follows:~~

15 (1) ~~An amount payable to the owner of the sign, not to exceed~~  
16 ~~50 percent of the fine, and, when added to the amount of any prior~~  
17 ~~finest paid during the calendar year to the owner pursuant to this~~  
18 ~~section, not to exceed the amount of any applicable campaign~~  
19 ~~contribution limit for the calendar year.~~

20 (2) ~~The balance of the fine shall be payable to the local public~~  
21 ~~safety agency in the city or county in which the offense was~~  
22 ~~committed.~~

23 SEC. 2. ~~No reimbursement is required by this act pursuant to~~  
24 ~~Section 6 of Article XIII B of the California Constitution because~~  
25 ~~the only costs that may be incurred by a local agency or school~~  
26 ~~district will be incurred because this act creates a new crime or~~  
27 ~~infraction, eliminates a crime or infraction, or changes the penalty~~  
28 ~~for a crime or infraction, within the meaning of Section 17556 of~~  
29 ~~the Government Code, or changes the definition of a crime within~~  
30 ~~the meaning of Section 6 of Article XIII B of the California~~  
31 ~~Constitution.~~